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**Request for City Council Committee Action
From the City Attorney's Office**

Date: December 2, 2002
To: Ways & Means/Budget Committee
Referral to: None

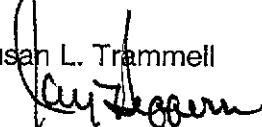
Subject: **Mary Jo Iverson v. City of Minneapolis, et al**
United States District Court File No.: 02-1829 (DSD/SRN)

Recommendation: That the City Council approve settlement of this lawsuit by payment of \$2,000.00 payable to Mary Jo Iverson and her attorney, Goins & Woods, P.C., from Fund/Org 690 150 1500 4000 and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of this lawsuit.

Previous Directives: None

Prepared by: Susan L. Trammell

Phone: 673-3230

Approved by: 
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- ☐ No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☒ Other financial impact (Explain): Fund/Org 690 150 1500 4000
- ☐ Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact: City Goals: Build Community

Background/Supporting Information

This case arose during the ISAG conference in July 2000. Plaintiff was carrying a banner at the front of a group of protestors. Minneapolis Police had informed the protestors that they would be permitted to march to Loring Park. During the march to Loring Park there was a confrontation with police at 14th and Willow. Officers at 14th and Willow had previously been instructed to hold the line and had not received the word that the protestors were to be allowed to march to Loring Park.

Plaintiff alleges the protestors were being forced forward by Minneapolis police officers to the rear of the protestors. The officers at 14th and Willow held the line for approximately 10 minutes but when the protestors began to break through the line, pepper spray was used on the protestors. Plaintiff was pepper sprayed in the face when she attempted to video document the pepper spraying of a protestor. Plaintiff then retreated back behind the banner. Plaintiff was not arrested or charged with a criminal offense.

After reviewing this case, the matter was presented for discussion to the City Attorney's Litigation Committee. A Rule 68 Offer of Judgement in the amount of \$1,000 plus reasonable costs and attorneys fees incurred by Plaintiff to date, was made to Plaintiff on October 21, 2002. Plaintiff accepted that offer. Pursuant to Council actions of October 25, 1998, and March 23, 2001, the City Attorney is authorized to make such binding Rule 68 offers. Plaintiff has submitted a bill for fees and costs in the amount of \$1,714.00. This office has reviewed the documentation submitted in support of this bill and after negotiation with counsel, Plaintiff has agreed to reduce his claim for attorney's fees and costs to \$1,000.00. I believe that the amount of \$1,000.00 is a reasonable amount for fees and costs in the context of the resolution of this lawsuit, and recommend their payment in addition to the \$1,000.00.